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10/079,865	02/21/2002	Uma Arunkumar	GP-302051 2760/49	7567

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General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
300 Renaissance Center
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action on 10/13/2005 is persuasive and, therefore, the finality of that action is withdrawn.
2. Amendment received on 06/24/2005 has been entered. Claims 1, 16 and 19 are currently amended.
3. Claims 1-21 are presented for examination.

Priority

4. This application has no priority claim made. The filing date is 02/21/2002.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6 and 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina.

- a. Regarding claim 1, Jijina disclosed a method for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (page 1, paragraph 4); and acquiring, at the server, an

- ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).
- b. Regarding claim 4, Jijina disclosed the method of claim 1 further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (page 1, paragraph 4).
 - c. Regarding claim 5, Jijina disclosed the method of claim 4 wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual delivery of the communication until the customer initiates delivery of the communication at the client VCU (page 2, paragraph 23).
 - d. Regarding claim 6, Jijina disclosed the method of claim 5 wherein annunciating the communication includes broadcasting an audible message to the customer inside the vehicle (page 2, paragraph 23).
 - e. Regarding claim 8, Jijina disclosed the method of claim 1 further comprising delaying delivery of the communication to the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 7).
 - f. Regarding claim 9, Jijina disclosed the method of claim 8 further comprising storing the communication at the server upon acquiring an IGNITION OFF status (page 1, paragraph 7).
 - g. Regarding claim 10, Jijina disclosed the method of claim 9 further comprising periodically attempting to establish a connection (page 1, paragraph 4) for updating

- the ignition status with the client VCU when an undelivered communication is stored at the server (page2, paragraphs 23-24).
- h. Regarding claim 11, Jijina disclosed the method of claim 9 further comprising storing an indication at the client VCU of a communication awaiting delivery from the server (page 1, paragraph 4; page2, paragraphs 23-24).
 - i. Regarding claim 12, Jijina disclosed the method of claim 11 further comprising annunciating in the vehicle the indication of a communication awaiting delivery at the server, upon the client VCU acquiring an IGNITION ON status (page2, paragraphs 23-24).
 - j. Regarding claim 13, Jijina disclosed the method of claim 1 further comprising storing the communication at the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 4).
 - k. Regarding claim 14, Jijina disclosed the method of claim 13 further comprising also storing the communication at the server (page 1, paragraph 7).
 - l. Regarding claim 15, Jijina disclosed the method of claim 13 further comprising delivering the communication to the customer upon the client VCU acquiring an IGNITION ON status (page 1, paragraph 4).
 - m. Regarding claim 16, Jijina disclosed an apparatus for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the apparatus comprising: means for establishing a connection between the server and the client VCU (page 1, paragraph 4); and means for acquiring, at the server, an ignition status from the client VCU as an indication of

whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).

- n. Regarding claim 17, Jijina disclosed the apparatus of claim 16 further comprising means for delivering the communication to the customer upon acquiring an IGNITION ON status (page 1, paragraph 4).
- o. Regarding claim 18, Jijina disclosed the apparatus of claim 16 further comprising means for storing the communication until an IGNITION ON status is acquired (page 1, paragraph 7).
- p. Regarding claim 19, Jijina disclosed a computer readable medium storing a computer program for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the computer program comprising: computer readable code for establishing a connection between the server and the client VCU (Fig. 3; page 1, paragraph 4); and computer readable code for acquiring, at the server, an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (Fig. 3; page 1, paragraph 4).
- q. Regarding claim 20, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for delivering the communication to the customer upon acquiring an IGNITION ON status (Fig. 3; page 1, paragraph 4).
- r. Regarding claim 21, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for storing

the communication until an IGNITION ON status is acquired (Fig. 3; page 1, paragraph 7).

Jijina disclosed all limitations of claims 1, 4-6 and 8-21. Claims 1, 4-6 and 8-21 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over do Nascimento, JR. (US 20020128000 A1), hereinafter referred as Nascimento in view of do Heyward et al. (US 20020042266 A1), hereinafter referred as Heyward.

- a. Nascimento shows (claim 1) a method for delivering a communication for a customer from a server (Fig. 13, paragraph 95: SLDNM) to a client vehicle communication unit (VCU) (Fig. 13, paragraph 95: WVCS) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (Fig. 13, paragraph 95: WVCS communicate thru BS and MSC with SLDNM); and an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (paragraph 118: VCM is powered up when ignition switch is activate). Nascimento does not show (claim 1) acquiring, at the server, an ignition status from the client VCU.

- b. Heyward shows (claim 1) acquiring, at the server, an ignition status from the client VCU (Fig. 9; paragraph 81: reporting other status information including ignition status) in an analogous art for the purpose of conserving wireless resources.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Nascimento's functions of driving detection/notification and location/situation-based services with Heyward's functions reporting mobile unit status, including ignition status.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the mobile unit status per Heyward's teaching in further enhancing mobile communication per Nascimento and Heyward's teaching.
- e. Regarding claim 2, Nascimento shows wherein the communication is one of the group consisting of a voicemail message, a facsimile (FAX), an E-mail message, and a transfer of data (paragraph 112: e-mail, fax, voicemail and text message).
- f. Regarding claim 3, Nascimento shows wherein delivering the communication further comprises announcing the type of communication available for delivery (paragraph 121: VCM 108 causes audio inquiries to be made through a speaker of the vehicle or displays video inquiries on the display).
- g. Regarding claim 4, Nascimento shows further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (paragraphs 118 and 125: VCM is activated upon ignition on and provides service via SLDNM).

- h. Regarding claim 5, Nascimento shows wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual delivery of the communication until the customer initiates delivery of the communication at the client VCU (paragraph 121: VCM 108 causes audio inquiries to be made through a speaker of the vehicle or displays video inquiries on the display, RMM users, provide parameters for operation).
- i. Regarding claim 7, Nascimento shows wherein the customer initiates delivery with a verbal command (paragraph 39: MS play, prompt and receive feedback via DTMF tones or speech recognition; paragraph 53: DSADM 54 can be adapted to interpret and/or recognize certain predefined speaker-independent voice command; paragraph 112: speech recognition apparatus to convert message).

Together Nascimento and Heyward disclosed all limitations of claims 1-5 and 7. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a).

Response to Arguments

7. Applicant's arguments filed on 06/24/2005 have been fully considered, but they are not persuasive.

- a. In response to applicant's statement of "Jijina does not disclose acquiring, at the server, an ignition status from the client VCU, as claimed in claims 1, 16 and 19." Jijina does show (Fig. 2, 3, 5, 6, 7 and 8) various voice or data call functions and references to the ignition status in related to various voice or data call functions (page 1, paragraphs 4 and 7). These indicate that Jijina does learn ignition status (paragraph 7: i.e., the ignition of the vehicle 41 is on or the VCU is awake in a DRx cycle) with voice or data call functions as they reside in a counter communication system, i.e. a server.

8. Applicant's arguments with respect to pending claims 2-3, 7 and 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100